IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Kevin Collins, et al.	Examiner: Alicia Baturay
Serial No.:	09/858,080	Group Art Unit: 2155
Filed:	May 15, 2001	Docket No.: 10006721-1
Title:	Method and Apparatus to Manage Transactions at a Network Storage Device	

REPLY APPEAL BRIEF UNDER 37 C.F.R. § 41.41

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer mailed November 16, 2007, Appellants file this Reply Brief in accordance with 37 C.F.R. § 41.41.

AUTHORIZATION TO DEBIT ACCOUNT

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's deposit account no. 08-2025.

<u>All Elements Not Taught</u>

Applicants respond to the arguments in the Examiner Answer Brief to show that at least one element in each independent claim is not taught in Courtright.

<u>Claim 1</u>

Claim 1 recites three steps that relate to the same incoming transaction. First, the incoming transaction is received at a storage device. Second, the incoming transaction is assigned a priority at the storage device. Third, another priority in the incoming transaction itself <u>overrides</u> the priority assigned by the storage device. These three steps occur on the <u>same</u> incoming transaction because proper antecedent basis (i.e., using "said" incoming transactions) shows that all three steps in the claim occur to the same incoming transaction. Nowhere does Courtright teach a <u>same</u> incoming transaction that undergoes these three steps.

As best shown in Fig. 2 of Courtright, I/O requests from clients 12 are sent to a storage controller 16. The controller uses a prioritizing algorithm to place the I/O requests in one of several memory queues 32. Each memory queue has a priority, and each client has a priority (see Courtright at col. 4, lines 50 – 67). A user can change the priorities assigned to the clients and the memory queues (see Courtright at col. 8, lines 24 – 42).

Even though Courtright states that a user can change the priorities in the prioritizing algorithm, Courtright never teaches that the priority is changed by an incoming I/O that meets the three elements of claim 1. In other words, claim 1 recites that the incoming transaction is received at a storage device, assigned a priority, and contains another priority that overrides the assigned priority. **The I/Os in Courtright do not contain a priority that overrides a priority assigned by the prioritizing algorithm.**

The Examiner argues that this element is taught in Courtright at column 8, lines 24-42. Applicants respectfully disagree because this section of Courtright merely teaches that a user can change the assigned priorities. This teaching is very different than the elements of claim 1 that require the incoming I/O itself to have a priority to change the assigned priority.

Claim 5

Claim 5 recites three steps that relate to the same usage policy. First, the usage policy is generated at a server. Second, the usage policy is distributed from the server to network storage devices. Third, the same server that generated the usage policy then provides updates to the usage policy at the network storage devices. These three steps occur on the <u>same</u> usage policy by the same server because proper antecedent basis (i.e., using "said" usage policy and "said" server) shows that all three steps in the claim occur to the same usage policy and server. Nowhere does Courtright teach a <u>same</u> usage policy that undergoes these three steps.

As best shown in Fig. 2 of Courtright, a controller 16 includes a usage policy (i.e., a prioritizing algorithm) to place incoming I/O requests in one of several memory queues 32. A user can change the usage policy by altering the priorities assigned to the clients and the memory queues (see Courtright at col. 8, lines 24 – 42).

Even though Courtright states that a user can change the priorities in the prioritizing algorithm, Courtright never teaches that its usage policy (i.e., the prioritizing algorithm) meets the three elements of claim 5. In other words, claim 5 recites that the usage policy is generated at a server, distributed from the server to storage devices, and then provided with updates from the server. **The usage policy (i.e., prioritizing algorithm) in Courtright is updated by a user, not generated, distributed, and then updated by a same server.**

The Examiner argues that this element is taught in Courtright at column 8, lines 24-42. Applicants respectfully disagree because this section of Courtright merely teaches that a user can change the assigned priorities. This teaching is very different than the elements of claim 5 that require a same server generate, distribute, and then update a usage policy.

The Examiner also appears to argue that the storage controller 16 in Courtright is the claim element of a network storage device. This argument is flawed. If the storage controller 16 in Courtright is the claimed network storage device, then Courtright fails to teach that the usage policy is generated at a server and then distributed from the server to the network storage device. Also, claim 5 recites that the usage policy is distributed to plural network storage devices.

Claim 8

Claim 8 recites a usage policy at a network storage device. This usage policy "uses at least two conditions based on (1) user logon, (2) originating application, (3) user-requested priority, and (4) purpose for accessing the network storage device." Courtright does not teach this element.

Courtright does teach a controller that has a usage policy (i.e., the prioritizing algorithm). The usage policy in Courtright teaches priority based on a priority value assigned to a particular client and priority value assigned to a memory queue (see 4: 59-67). Thus, Courtright expressly teaches two priority conditions: priority assigned to a client and priority assigned to a memory. Notice that these two conditions are not at least two of (1) user logon, (2) originating application, (3) user-requested priority, and (4) purpose for accessing the network storage device.

The Examiner argues that this element is taught in Courtright at column 8, lines 24-30. Applicants respectfully disagree. Courtright at column 8, lines 24-30 does teach different priority schemes. The issue, however, is: Does this section of Courtright teach two of the priorities (1), (2), (3), and (4) recited in the claim 5. Courtright does not. It is not enough to merely allege that Courtright teaches various priority schemes. To anticipate claim 5, Courtright must teach two of the recited priorities. The Examiner has failed to show where Courtright teaches the claimed priorities.

Claim 13

The arguments for claim 13 presented in the appeal brief will not be reproduced here but are sufficient to show Courtright does not anticipate claim 13

In view of the above, Applicants respectfully ask the Board of Appeals to reverse the rejections of the pending claims.

Respectfully submitted,

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